



**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Box Missing Parts, Assistant Commissioner for Patents, Washington, D. C. 20231.  
Date: May 14, 2002

Brian M. Berliner

**PATENT**  
**216019-33**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: YOUAKIM et al.

Serial No.: 09/980,046

Filed: November 29, 2001

Title: MODULATION OF GENE  
EXPRESSION IN GASTROINTESTINAL  
INFLAMMATION

Art Unit:

Examiner:

**MISSING PARTS TRANSMITTAL LETTER**

**BOX MISSING PARTS**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice To File Missing Parts Of Application, Filing Date  
Granted, mailed February 14, 2002, enclosed please find the following:

1. Copy of the Notice To File Missing Parts;
2. Check in the amount of \$130.00 to cover the filing fee for the Notice To  
File Missing Parts;
3. Combined Power of Attorney/Declaration and Petition signed by the  
inventors; and
4. A hard copy and a diskette copy of the Sequence Listing in computer  
readable form.

06/04/2002 GFREY1 00000088 09980046

01 FC:154

130.00 0P

The original Assignment transferring the rights in the above-identified patent application to Digital Gene Technologies, Inc. was forwarded on March 19, 2002 to the Assignment Branch of the USPTO for recordation.

The Sequence Listing submitted herewith in computer readable form is identical to the written sequence listing submitted herewith, and is substantially identical to the sequence listing submitted previously. The Sequence Listing submitted herein is in the PatentIn 3.1 format, and may differ from the PatentIn 2.0 version originally submitted to the U.S. Receiving Office in the international stage of this application due to differences in the two software versions, which are primarily formatting in nature. The differences we noted are as follows:

1. The line spacing for the sequences is double spaced for PatentIn 3.1, whereas for PatentIn 2.0 it was single spaced. Thus, the overall document has different page numbering and more pages with the newer version of PatentIn.

2. In the filed version of the application, field <140> (which is the application number field) was blank and field <141> had the application date. In the PatentIn 3.1 version, if an application date is entered into field <141>, field <140> must be populated. We have included the PCT application number in this field.

3. SEQ ID NO: 44 (the anchor primer) has been corrected so that it reads 48 bases. The base pair numbers listed in the misc\_feature field for the "N" bases have been fixed to read the correct position on the 48 base sequence. We have added a misc\_feature also for base pair no 46 (the "V" base) to describe what V represents. Support for this addition is in the specification section describing the primer.

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May 14, 2002  
Page 2

4. Three base pair counts were incorrect in the PatentIn file submitted previously. All of the bases themselves are present and correct, but for some reason the total number of bases calculated was incorrect. Thus the actual sequences for SEQ ID NO: 82, 91, 121 did not change when we regenerated the file. However, the #s listed in field <221> and at the end of the line containing the sequence have changed, since they are supposed to count the number of bases in each sequence.

Also, please note that the transmittal letter requesting a filing under 35 U.S.C. 371 mistakenly stated that amendments to the International Application had not been made. Amendments were made to page 9 of the Sequence Listing and page 51 of the specification. Such amendments were filed with a letter of August 3, 2001.

The Commissioner of Patents is authorized to charge any amount due, or credit any overpayment, to Deposit Account No. 50-0639. A duplicate copy of this paper is enclosed.

Date: May 14, 2002

**O'MELVENY & MYERS LLP**  
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Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000

Respectfully submitted,



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Brian M. Berliner  
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Registration No. 34,549

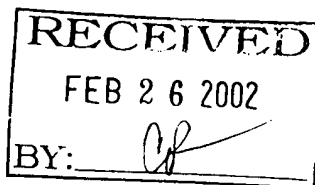


UNITED STATES PATENT AND TRADEMARK OFFICE

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 Commissioner for Patents, Box 400  
 United States Patent and Trademark Office  
 Washington, D.C. 20503  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/980,046                  | Youakim               | 216019-33        |



|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/US00/15191                |               |
| I.A. FILING DATE              | PRIORITY DATE |
| 06/01/2000                    | 06/01/1999    |

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 400 South Hope Street  
 Los Angeles, CA 90071-2899

CONFIRMATION NO. 8000

371 FORMALITIES LETTER



\*OC000000007464425\*

Date Mailed: 02/14/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination

|                              |         |
|------------------------------|---------|
| <b>O'MELVENY &amp; MYERS</b> |         |
| ACTION FILE MISSING PARTS    |         |
| DUE DATE                     | 4/14/02 |
| IP DEPT:                     | CR      |

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 305-2936

#### PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/980,046                  | PCT/US00/15191                | 216019-33        |